
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:18-cv-00550-JLS-DFM
Title: Jose Velez v. 2Bella, Inc. et al.

Date: April 20, 2020

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF’S
APPLICATION FOR DEFAULT JUDGMENT (Doc. 44)**

Before the Court is Plaintiff’s Application for Default Judgment. (Doc. 44.)

The Ninth Circuit has set out seven factors to be considered by courts in reviewing an application for default judgment: “(1) the possibility of prejudice to the plaintiff, (2) the merits of the plaintiff’s substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at stake in the action[,] (5) the possibility of a dispute concerning material facts, (6) whether the default was due to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.” *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Plaintiff did not address the *Eitel* factors in his Application.¹ (See Doc. 44.) Nor did Plaintiff accompany his Application with a declaration in compliance with Local Rule 55-1. Similarly, he failed to file a proposed order alongside his Application, as required by Local Rule 7-20. And the Court has previously warned Plaintiff about his failure to file proposed orders in connection with requests for relief. (See Doc. 42.)

Accordingly, Plaintiff’s Application is DENIED WITHOUT PREJUDICE. If Plaintiff wishes to file a renewed application that remedies the deficiencies identified herein, he must do so no later than **twenty-eight (28) days** from the date of this Order.

¹ Plaintiff is encouraged to review prior decisions of this Court for guidance in filing a substantively sufficient application for default judgment. See, e.g., *Langer v. Kha Dinh Nguyen*, No. 8:19-cv-00294-JLS-KES, 2019 WL 7900270 (C.D. Cal. Nov. 27, 2019); *Villegas v. MMH, LLC*, No. 2:18-cv-01775-JLS-SK, 2019 WL 994958 (C.D. Cal. Jan. 3, 2019).

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Further, the proposed order filed along with any renewed application shall address the *Eitel* factors in the same fashion as the application. Upon Plaintiff's submission of a renewed application, the matter will be deemed under submission. The failure to file a renewed application by the above deadline, in full compliance with the Local Rules and this Court's orders, may result in the immediate dismissal of this action.

Initials of Preparer: tg